

JUN 13 2016

JULIA C. DUDLEY, CLERK  
BY:   
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

GARY DAVIS,

Plaintiff,

v.

STEPHEN RAINES,

Defendant.

) CASE NO. 7:15CV00380

)

)

) ORDER

)

)

) By: Hon. Glen E. Conrad

) Chief United States District Judge

)

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

as follows:

1. Defendant's motion to dismiss (ECF No 21) is **DENIED** as to the federal claims, Claims (2) and (3)(a) as numbered in the court's memorandum opinion, and is **DENIED** without prejudice as to the state law claims, Claims (1) and (3)(b);
2. The amended complaint is **CONSTRUED** and **GRANTED** as a motion for voluntary dismissal of plaintiff's claims in the original complaint for dismissal of his criminal charges and for authority to bring criminal charges against defendant; and
3. Defendant is **DIRECTED** to submit within 21 days from entry of this order any motion for summary judgment, supported by documentation and affidavits, and if no such motion is forthcoming in that time, the matter will be set for a bench trial.

ENTER: This 13<sup>th</sup> day of June, 2016.



Chief United States District Judge